

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DeEARL FOSTER,

Petitioner,

v.

RAMIREZ, et al.,

Respondents.

No. 2:24-cv-2800 WBS AC P

FINDINGS & RECOMMENDATIONS


By order filed May 22, 2025, the court screened petitioner's application for writ of habeas corpus and found that it did not state any grounds for relief, and ordered that it not be served. ECF No. 11. Petitioner was given thirty days to file an amended petition and cautioned that failure to do so would result in a recommendation that this action be dismissed. *Id.* at 2. After petitioner failed to file an amended habeas corpus petition, he was given an additional three weeks, until July 18, 2025, to file an amended petition and warned that failure to do so would result in a recommendation that this action be dismissed *without further warning*. ECF No. 15. The deadline has long since passed, and plaintiff has not filed an amended petition or otherwise responded to the court's order.

Accordingly, IT IS RECOMMENDED that the complaint be dismissed for failure to state a claim for relief for the reasons set forth in the May 22, 2025, screening order (ECF No. 11), and for failure to prosecute and comply with this court's orders. *See* L.R. 110; Fed. R. Civ. P. 41(b);

28 U.S.C. § 1915A.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, petitioner may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Petitioner is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: September 22, 2025


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE